UNITED STATES PATENT AND TRADEMARK OFFICE

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| 10/664,854 | 09/22/2003 | Hosei Matsuoka | 243051US90 | 4307 |

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| EXAMINER |
|---|
| DAVENPORT, MON CHERI S |

| ART UNIT | PAPER NUMBER |
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| 2416 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _28 July 2008_.

2a)☐ This action is **FINAL.**      2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _34-47_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _34-47_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

### *Continued Examination Under 37 CFR 1.114*

1.    A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection.  Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114.  Applicant's submission filed on 7/28/2008 has been entered.

### *Claim Rejections - 35 USC § 102*

2.    The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.    **Claims 34, 35, 37, 42, 44, 45 and 47** rejected under 35 U.S.C. 102(e) as being

anticipated by Dolan (US Patent 6,628,632).

Regarding **Claims 34, 35, 42, and 45** A packet communication method for packet

communication between a first packet communication terminal and a second packet

communication terminal, comprising (see figure 3):

A receiving unit (see figure 3, section 100, primary base station), acquiring a network

address A and a network address B for the first packet communication terminal from a network

A and a network B, respectively, the first packet communication terminal being able to connect

to the network A and the network B (see col. 5, lines 60-67, the base station receives identity and

the address of the first, second, … nth order neighboring base stations);

Memory ( see figure 2, section 380, memory) , first storing the acquired network address

A and the network address B in a first storage located in the first packet communication

terminal( see col. 5,lines 60-63,  the station receives addresses and stores in memory) ;

Transmission unit (see figure 2, section 320, transceiver), notifying the second packet

communication terminal about the acquired network address A and the network address B (see

col. 6, lines 49-56, secondary base station , get an acknowledgment which contain the identities

of the neighboring base station and the addresses) ;

second storing the notified network address A and the network address B of the first

packet communication terminal in a second storage located in the second packet communication

terminal( see col. 7,lines 7-9, each base station stores the neighbor information for its own cells)

;

measuring unit (see figure 33, signal measurement), measuring a radio wave intensity A

of the network A and a radio wave intensity B of the network B at the first packet

communication terminal to determine availability of the network A and the network B for the

first packet communication terminal, respectively (see col. 8, lines 1-9, the primary controller

obtains signal quality measurements for all the neighboring base stations, which determines the

availability of the network); and

instructing unit (see figure 3, switching center), generating packets from identical data,

and sending the packets from the second packet communication terminal to the first packet

communication terminal by using addresses that are stored in the second storage (see col. 5, lines

20-33, the switching center receives calls associated from each of the base stations and

communicates those signals, allowing more than one base station service a portion of the

communication link).

   instructing the second packet communication terminal to delete the network address A or

the network address B from the second storage, when said step of measuring indicates that the

radio wave intensity A or the radio wave intensity B is below a certain threshold value,

respectively ( see col. 8, lines 10-22, the signal strength is measured and informed when the

measurement  falls below a predetermined threshold) .

   Regarding **Claims 37, 44, and 47** Dolan discloses everything as applied above (*see*

*claims 34, 42, and 45*).

   wherein said step of first instructing further comprises: sending a message from the first

packet communication terminal to the second packet communication terminal including a list of

network addresses of networks to which the first packet communication terminal can presently

be connected to ( see col. 6, lines 39-48, the primary base station  sends a request signal message

, which contains information  to connect those resources  currently being supported by the call

and the various station that support the call at any point in time).

*Claim Rejections - 35 USC § 103*

4.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

   (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
   section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
   such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.       **Claims 36, 38-41, 43, and 46** rejected under 35 U.S.C. 103(a) as being unpatentable over Dolan in view of Bahl (US Patent 6,957,276).

Regarding **Claims 36, 40, 43, and 46** Dolan discloses everything as applied above (*see claims 34, 38, 42, and 45*).

Dolan fails to specifically point out second instructing the second packet communication terminal to delete the network address A or the network address B from the second storage, when the first packet communication terminal has not received an acknowledgement from the second packet communication terminal within a certain time period as claimed.

Dolan fails to specifically point out a computer readable storage device storing a computer program as claimed.

However Bahl teaches instructing the second packet communication terminal to delete the network address A or the network address B from the second storage, when the first packet communication terminal has not received an acknowledgement from the second packet communication terminal within a certain time period (see figure 7, checks if acknowledgment is not received, if NACK, address is deprecated, in figure 5, deprecated address are removed).

Bahl discloses a computer readable storage device storing a computer program (see col. 6, liens 32-54, computer media embodied with computer readable instructions).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine Dolan invention with Bahl invention because Bahl invention involves assignment and retrieval of permanent/static address to from the network machines,

through DHCP server, allowing the network administrator to reclaim a permanent or static IP

address form a machine (see Bahl, col. 2-3, lines 66-7).


Therefore it would have been obvious to one with ordinary skill in the art at the time the

invention was made to combine Dolan invention with Bahl invention because Bahl invention

involves assignment and retrieval of permanent/static address to from the network machines,

through DHCP server, allowing the network administrator to reclaim a permanent or static IP

address form a machine (see Bahl, col. 2-3, lines 66-7).


Regarding **Claims 38 and 39** A packet communication method for packet

communication between a first packet communication terminal and a second packet

communication terminal, comprising (see figure 3):

A receiving unit (see figure 3, section 100, primary base station), acquiring a network

address A and a network address B for the first packet communication terminal from a network

A and a network B, respectively, the first packet communication terminal being able to connect

to the network A and the network B (see col. 5, lines 60-67, the base station receives identity and

the address of the first, second, … nth order neighboring base stations);

Memory ( see figure 2, section 380, memory) , first storing the acquired network address

A and the network address B in a first storage located in the first packet communication

terminal( see col. 5,lines 60-63, the station receives addresses and stores in memory) ;

Transmission unit (see figure 2, section 320, transceiver), notifying the second packet

communication terminal about the acquired network address A and the network address B (see

col. 6, lines 49-56, secondary base station , get an acknowledgment which contain the identities

of the neighboring base station and the addresses) ;

second storing the notified network address A and the network address B of the first

packet communication terminal in a second storage located in the second packet communication

terminal( see col. 7,lines 7-9, each base station stores the neighbor information for its own cells)

;

measuring unit (see figure 33, signal measurement), measuring a radio wave intensity A

of the network A and a radio wave intensity B of the network B at the first packet

communication terminal to determine availability of the network A and the network B for the

first packet communication terminal, respectively (see col. 8, lines 1-9, the primary controller

obtains signal quality measurements for all the neighboring base stations, which determines the

availability of the network); and

instructing unit (see figure 3, switching center), generating packets from identical data,

and sending the packets from the second packet communication terminal to the first packet

communication terminal by using addresses that are stored in the second storage (see col. 5, lines

20-33, the switching center receives calls associated from each of the base stations and

communicates those signals, allowing more than one base station service a portion of the

communication link).

instructing the second packet communication terminal to delete the network address A or

the network address B from the second storage, when said step of measuring indicates that the

radio wave intensity A or the radio wave intensity B is below a certain threshold value,

respectively (see col. 8, lines 10-22, the signal strength is measured and informed when the measurement falls below a predetermined threshold).

However Dolan fails to specifically point out a computer readable storage device storing a computer program as claimed.

Bahl discloses a computer readable storage device storing a computer program (see col. 6, liens 32-54, computer media embodied with computer readable instructions).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine Dolan invention with Bahl invention because Bahl invention involves assignment and retrieval of permanent/static address to from the network machines, through DHCP server, allowing the network administrator to reclaim a permanent or static IP address form a machine (see Bahl, col. 2-3, lines 66-7).

Regarding **Claim 41** Dolan discloses everything as applied above (*see claim 38).*

wherein said step of first instructing further comprises: sending a message from the first packet communication terminal to the second packet communication terminal including a list of network addresses of networks to which the first packet communication terminal can presently be connected to ( see col. 6, lines 39-48, the primary base station sends a request signal message , which contains information to connect those resources currently being supported by the call and the various station that support the call at any point in time).

However Dolan fails to specifically point out a computer readable storage device storing a computer program as claimed.

Bahl discloses a computer readable storage device storing a computer program (see col. 6, liens 32-54, computer media embodied with computer readable instructions).

Therefore it would have been obvious to one with ordinary skill in the art at the time the

invention was made to combine Dolan invention with Bahl invention because Bahl invention

involves assignment and retrieval of permanent/static address to from the network machines,

through DHCP server, allowing the network administrator to reclaim a permanent or static IP

address form a machine (see Bahl, col. 2-3, lines 66-7).

### *Response to Arguments*

6.     Applicant's arguments with respect to claims 33-47 have been considered but are moot in

view of the new ground(s) of rejection.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MON CHERI S. DAVENPORT whose telephone number is

(571)270-1803.  The examiner can normally be reached on Monday - Friday 8:00 a.m. - 5:00

p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Seema Rao can be reached on 571-272-3174.  The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


/Mon Cheri S Davenport/
Examiner, Art Unit 2416
 October 10, 2008


        /Ian N. Moore/
        Primary Examiner, Art Unit 2416